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 WELLS FARGO BANK, N.A.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

GUSTAVO REYES and MARIA TERESA
 GUERRERO, husband and wife, individually
 and on behalf of others similarly situated,

Plaintiffs,

vs.

WELLS FARGO BANK, N.A., a national
 bank; and DOES 1-100, inclusive,

Defendants.

Case No.: 3:10-cv-01667-JCS

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR EXTENSION OF TIME
 AS TO DISCOVERY AND FILING
 DEADLINE FOR CLASS
 CERTIFICATION MOTION**

WHEREAS, on September 10, 2010, at the Initial Case Management Conference (“CMC”), the Court set a deadline of March 18, 2011 for Plaintiffs to file a motion for class certification and ordered the parties to commence discovery as necessary;

WHEREAS, on September 22, 2010, pursuant to stipulation, Plaintiffs filed a First Amended Complaint (“FAC”) as discussed at the CMC;

WHEREAS, on October 12, 2010, Plaintiffs served class discovery on Defendant as discussed at the CMC; responses were due November 15, 2010;

WHEREAS, on October 13, 2010, Defendant filed and served a motion to dismiss the FAC noticing the hearing for November 19, 2010. Thereafter, Plaintiffs requested that the hearing be

1 continued to December 3, 2010 and Defendant accommodated that request amending its notice for that
2 date. Subsequently, the Court continued the hearing date again, setting it for December 17, 2010;

3 WHEREAS, on November 15, 2010, Defendant served responses to discovery that objected to
4 class discovery on the primary grounds of burden and, among others, of the pending motion to dismiss
5 the FAC as potentially dispositive;

6 WHEREAS, on November 15-17, 2010, the parties met and conferred regarding Plaintiffs'
7 impending motion to compel discovery;

8 WHEREAS, the parties proposed the following resolution of the discovery dispute subject to
9 Court approval:

- 10 1. That deadline for filing the motion for class certification be extended from March 18,
11 2011 to April 29, 2011.
- 12 2. That Defendant would file supplemental discovery responses to the class discovery on
13 December 22, 2010 if the motion to dismiss does not dispose of the action.
- 14 3. That Plaintiffs will not file a motion to compel pending review of the supplemental
15 responses;

16 WHEREAS, on November 19, 2010, the Court entered an order approving the parties'
17 stipulation;

18 WHEREAS, Defendant's motion to dismiss the FAC came regularly on for hearing on
19 December 17, 2010 with the Court taking the matter under submission, although indicating that some
20 claims may be dismissed while others may survive;

21 WHEREAS, it is Defendant's position that the Court's ruling on the motion to dismiss will
22 affect how the claims are to be analyzed in relation to the scope of the proposed class and how
23 Defendant should supplement its responses to specific discovery requests, particularly as those
24 requests seek information regarding putative class members. Nevertheless, Defendant has instructed
25 its employee to research whether responsive information and documents exist and can be located with
26 a reasonably diligent search and produced considering the burden and expense. Given year-end
27 business obligations and the impending holidays, Defendant anticipates that, following the Court's
28 order on the motion to dismiss, that this process will require several more weeks; and

WHEREAS, Plaintiffs disagree that the Court's ruling on the motion to dismiss affects their class discovery but, nevertheless, agree to an extension of time for supplemental responses to that discovery provided Defendant agrees to, and the Court approves, an extension of time to file their motion for class certification.

WHEREFORE, the parties hereby stipulate and request the Court order as follows:

1. That deadline for filing the motion for class certification be extended from April 29, 2011 to May 31, 2011.
2. That Defendant will serve supplemental discovery responses to the class discovery on or before January 21, 2011.
3. That Plaintiffs will not file a motion to compel pending review of the supplemental responses.

This stipulation becomes effective upon the Court's order, and is without prejudice to the rights, claims, defenses and arguments of all parties.

DATED: December 21, 2010

LAW OFFICES OF PETER B. FREDMAN
LAW OFFICES OF DAVID PIVOTRAK

By: /s/Peter B. Fredman
Peter B. Fredman
Attorneys for Plaintiffs

DATED: December 21, 2010

SEVERSON & WERSON
A Professional Corporation


By: /s/Michael J. Steiner
Michael J. Steiner

Attorneys for Defendant
WELLS FARGO BANK, N.A.

PURSUANT TO THE STIPULATION,

IT IS SO ORDERED.

Date: 12/21/10


Judge Joseph C. Spero
U.S. MAGISTRATE JUDGE